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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LISA LIBERI, et al,

Plaintiffs,

vs.

ORLY TAITZ, et al,

Defendants.

Case No.: 09-cv-01898-ECR

**PLAINTIFFS' MOTION FOR THE COURT TO ISSUE ORDER TO SHOW CAUSE
UPON DEFENDANT ORLY TAITZ PURSUANT TO Fed. R. Civ. P. 11
WHY SANCTIONS and PLAINTIFFS ATTORNEY FEES
SHOULD NOT BE ORDERED; and MOTION TO STRIKE DEFENDANTS, ORLY
TAITZ, FRIVOLOUS REPLY APPEARING as DOCUMENT NO. 145**

Plaintiffs' Lisa Liberi [hereinafter "Liberi"]; Philip J. Berg, Esquire [hereinafter "Berg"], the Law Offices of Philip J. Berg; Evelyn Adams a/k/a Momma E [hereinafter "Adams"]; Lisa Ostella [hereinafter "Ostella"]; and Go Excel Global by and through their undersigned counsel, Philip J. Berg, Esquire files the within Motion for this Court to Issue an Order to Show Cause upon Defendant Orly Taitz pursuant to Fed. R. Civ. P. 11 Why Sanctions and Plaintiffs Attorney Fees should not be Ordered; and Motion to Strike Defendant's, Orly Taitz [hereinafter "Taitz"] and Defend our Freedoms Foundation, Inc. [hereinafter "DOFF"] Frivolous Reply filed September 28, 2010 appearing as Docket Entry 145" on the following grounds:

- Defendant Orly Taitz filed full financial account numbers in her filing of September 28, 2010, appearing as Docket Entry No. 145 in violation of Fed. R. Civ. P. 5.2 and this Court's Local Rules 5.1.2(12)(b) and 5.1.3;
- Defendant Orly Taitz's filings are completely frivolous;
- This Court is without jurisdiction to entertain Defendant Orly Taitz's Motion filed September 9, 2010, Docket Entry No. 143; and her frivolous Reply, Docket Entry No. 145, as these are the exact issues currently under appeal by Defendant Taitz;
- Taitz and DOFF's Reply contains false statements, speculation, improper conclusions of law; hearsay; untrue statements; and **FORGED documents**;
- Taitz and DOFF'S Reply contains nothing more than **twisted, falsified; and manipulated recitations** of Plaintiffs Opposition filed September 14, 2010 appearing as Docket No. 144 and this Court's Order. Moreover, Taitz is doing nothing more than to attempt to re-write what Plaintiffs Case is truly about, to cloud the issues and confuse the Court;
- Taitz and DOFF's Reply filed September 28, 2010 must be completely stricken as it is **not** proper; contains false statements, speculation, improper conclusions of law; hearsay; untrue statements; contains **FORGED documents**; and is completely irrelevant, impertinent and immaterial. Taitz filed this nonsense as a **Publicity Stunt** and on behalf of her "audience" and supporters to arouse her followers and to prejudice the Plaintiffs;

Respectfully submitted,

Dated: October 7, 2010

s/ Philip J. Berg

Philip J. Berg, Esquire
Attorney for Plaintiffs'

Law Offices of:

Philip J. Berg, Esquire

555 Andorra Glen Court, Suite 12

Lafayette Hill, PA 19444-2531

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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LISA LIBERI, et al,

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vs.

ORLY TAITZ, et al,

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Case No.: 09-cv-01898-ECR

**PLAINTIFFS MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' MOTION
FOR THIS COURT TO ISSUE AN ORDER TO SHOW CAUSE UPON DEFENDANT
ORLY TAITZ PURSUANT TO Fed. R. Civ. P. 11 WHY SANCTIONS AND PLAINTIFFS
ATTORNEY FEES SHOULD NOT BE ORDERED; and MOTION TO STRIKE
DEFENDANTS, ORLY TAITZ, FRIVOLOUS REPLY APPEARING AS DKT NO. 145**

I. STATEMENT OF FACTS:

Plaintiffs' hereby incorporate in by reference their complaint filed May 4, 2009 against Defendants, appearing as Docket Entry No. 1 and Plaintiffs Opposition filed September 14, 2010, appearing as Docket Entry number 144 to Defendants Taitz and DOFF'S Motion for Missing Documents pursuant to F.R.C.P. 60B.

On June 3, 2010, this Court issued its Memorandum and Order regarding the Order to Show Cause issued upon the Plaintiffs. The Court found it had jurisdiction over the Defendants; severed the case; and Ordered transfer of the Case against the California Defendants to the U.S.

District Court, Central District of CA, Southern Division; and the case transferred against the Texas Defendants to the Western District of Texas, Docket Entry No.'s 117 and 118.

There were some inconsistencies with the Order, so Plaintiffs filed a Motion for Reconsideration and requested an Amended Order to correct the inconsistencies. The Court granted Plaintiffs Motion for Reconsideration as to certain issues, see Docket Entry No. 125. On June 22, 2010, the Court issued an Amended Memorandum and Amended its Order. *See* Docket Entry No.'s 123 and 124. In so doing, this Court stated it had diversity jurisdiction due to the fact none of the Plaintiffs, including Plaintiff Liberi, resided in the States of Texas or California.

Despite this, Taitz and DOFF continued filing frivolous motions with this Court, all of which were denied.

Thereafter, on July 2, 2010, Taitz filed a **frivolous** appeal of Orders, which are **not** appealable pursuant to our laws. The basis used by Taitz was that Plaintiff Liberi resides in California and therefore, diversity in jurisdiction was lacking. Taitz also falsely accused this Court of ridiculous things as she did the Plaintiffs.

On September 9, 2010, knowing this Court is without Jurisdiction to entertain her Motion as the issues are under appeal, Taitz files yet another frivolous Motion with this Court, entitled "*MOTION - REQUEST FOR DOCUMENTS MISSING FROM AN INCOMPLETE TRANSCRIPT OF 8/7/09 HEARING AND NOT PROVIDED TO DEFTS AND THE THIRD CIRCUIT COURT OF APPEALS AND 60B MOTION FOR RECONSIDERATION DUE TO NEW EVIDENCE*", appearing as Docket Entry number 143. This again, was nothing more than Taitz using this Court to further her political rhetoric, to continue spreading her lies and rhetoric regarding the Plaintiffs and to arouse her supporters and the people on the World Wide Web inciting violence and harm against the Plaintiffs.

On September 14, 2010 Plaintiffs filed their Response in Opposition to Taitz Motion. *See* Docket Entry number 144. In so doing, Plaintiffs filed Affidavits of individuals with personal knowledge of the facts, and pointed out to the Court that Defendant Taitz's was doing several serious and dangerous actions against Plaintiff Liberi, Ostella and their families. Defendant Taitz was and is directly lying to this Court and attempting to turn Plaintiffs case into a President Obama squabble, which Plaintiffs case is **NOT** about President Obama, nor does it have anything to do with President Obama. And the fact that Defendant Taitz is Obstructing Justice by attempting to conflict out and prejudice the Judges against the Plaintiffs in the Court the case is being transferred too.

On September 28, 2010, Taitz filed yet another frivolous filing entitled "Reply to Motion", appearing as Docket Entry No. 145. As is better explained below, Taitz filing is dishonest, full of lies, speculation; improper conclusions of law; twisted, falsified, and manipulated statements of Plaintiffs Opposition and this very Court's Order. Moreover, Taitz's Reply contains **FORGED** documents in the name of Plaintiff Liberi and falsified statements. **Unfortunately, this is not the first time Defendants have FORGED documents in the name of Plaintiffs Liberi and Ostella as previously filed.** Taitz was fully aware her filing was completely dishonest and had **no** place in this Court's docket. This filing again, was nothing more than Taitz using this Court to further her political rhetoric, to continue spreading her lies and rhetoric regarding the Plaintiffs and to arouse her supporters and the people on the World Wide Web inciting violence and harm against the Plaintiffs. *See* the Affidavit of Philip J. Berg attached hereto as **EXHIBIT "1"**; Affidavit of Lisa Ostella attached hereto as **EXHIBIT "2"**; Affidavit of Kelly Strebel attached hereto as **EXHIBIT "3"**; Affidavit of Shirley Waddell

attached hereto as **EXHIBIT “4”**; and the Verification of Lisa Liberi attached hereto as **EXHIBIT “5”**.

For these reasons, it is imperative for this Court to Grant Plaintiffs Motion and issue an Order to Show Cause upon Defendant Orly Taitz as to Why She Should not be Sanctioned pursuant to Fed. R. Civ. P. 11; and Why She Should not be Ordered to pay Plaintiffs Attorney Fees; and Grant Plaintiffs Motion to Strike Taitz’s entire filing appearing as Docket Entry number 145.

II. TAITZ and DOFF’S FILING OF SEPTEMBER 28, 2010, DOCKET ENTRY NUMBER 145 CONTAIN FALSE STATEMENTS; HEARSAY STATEMENTS; HEARSAY DOCUMENTS and FORGED DOCUMENTS:

In Taitz and DOFF’s **frivolous** filing, Taitz includes a false statements from Geoff Staples with **FORGED** Exhibits and falsified statements from Defendant Linda Belcher. Defendant Taitz’s Reply is hearsay; based upon hearsay statements and documents; is incompliant with the Federal Rules of Civil Procedure [F.R.C.P.] and was filed for an improper purpose. *See* **EXHIBITS “1”** through **“5”**.

Defendant Linda Belcher contacted Attorney, Philip J. Berg, Esquire, who is also a Plaintiff, in August 2008 and asked Mr. Berg to use her long-time friend of twenty [20] years to set-up Mr. Berg’s website. Mr. Berg agreed and hired Geoff Staples on August 21, 2008 to set-up and maintain his website. *See* the Affidavit of Philip J. Berg, Esquire attached hereto as **EXHIBIT “1”**.

Geoff Staples handled everything from the set-up of Mr. Berg’s website, the installation of the PayPal and Linkpoint donation buttons, the maintenance of Mr. Berg’s website and Geoff Staples handled all postings and transactions with both PayPal and Linkpoint. In fact, Geoff

Staples even refused to give the domain and hosting passwords to Philip J. Berg, Esquire. No one but Geoff Staples had passwords to the website. [Affidavit of Philip J. Berg, Esquire, p. 3, ¶ 11].

Mr. Berg had a PayPal account, which Geoff Staples was granted access to and Mr. Berg requested the PayPal button to be set-up on his website, which Geoff Staples complied with. Thereafter, problems arose with Mr. Berg's PayPal Account, so he asked Geoff Staples to switch the PayPal account, so all donations would go into his fiancée's (common-law wife) PayPal account which Mr. Berg had full access too. Geoff Staples complied. [Affidavit of Philip J. Berg, Esquire, p. 3, ¶ 13].

Shortly thereafter, Mr. Berg wanted to set-up an account with Linkpoint to accept credit card donations. Mr. Berg requested David Williams and Geoff Staples to handle the set-up of the account and maintenance of said account. There were several email transmissions between Geoff Staples and Philip J. Berg, Esquire regarding these events. Plaintiff Liberi did **not** have access to the Linkpoint or PayPal accounts. [Affidavit of Philip J. Berg]

A. Geoff Staples Statement, Taitz's Reply to Motion, Exhibit "2":

Geoff Staples on a document, which appears to be a fax sheet, stating that pursuant to Defendant Orly Taitz's faxed request to him, Plaintiff Liberi "*had access to credit card accounts while he was web host for Phil berg [sic] and the obamacrimes*".

Plaintiff Liberi **never** had access or anything to do with the website or the Linkpoint account as demonstrated by the email exchanges between Geoff Staples and Philip J. Berg, attached hereto as exhibits. *See* the Affidavit of Philip J. Berg, p. 2.

Geoff Staples goes on stating, *“I have attached emails from our archive showing that Lisa Liberi had access to donors credit card information, that she was processing credit cards and that she was involved in the setup of the Linkpoint merchant account...In order to process credit cards, she had to log in to the Linkpoint virtual terminal.”* Who is “our”? Geoff Staples was fired as Mr. Berg’s webmaster and hosting company on December 1, 2008. Obviously, Geoff Staples was illegally obtaining Mr. Berg’s donor private and credit card data and has now illegally distributed it to Defendant Orly Taitz with credit card numbers, addresses, names, phone numbers, and other private data of Mr. Berg’s supporters. This is **not** only theft of Mr. Berg’s financial records, but is an illegal breach, which has been reported to law enforcement. As explained below, these documents attached to Geoff Staples letter are **altered/forged**.

As clearly shown in Geoff Staples attachments, there is nothing showing Plaintiff Liberi had anything to do with any type of credit cards or log-in details for Philip J. Berg, Esquire’s LinkPoint account. Instead, there are **altered/forged** emails using Plaintiff Liberi’s email address. The first email states, “Geoff, This one declined.” Plaintiff Liberi **NEVER** sent this email to Geoff Staples.

In this attachment by Geoff Staples and Orly Taitz, [Taitz Reply to Motion, page 29] it shows the following **altered/forged** email information:

“Subject: Declined
 From: LlisaLiberi@aol.com
 Date: Mon, 3 Nov 2008 02:25:29 EST
 To: LlisaLiberi@aol.com, <helpdesk@hostricity.com>”

Plaintiff Liberi’s AOL email address is auto set by AOL to go out “llisaLiberi@aol.com”. As with any mail server, Plaintiff Liberi cannot change the appearance of her email address. The altered/forged emails filed by Defendant Taitz have Plaintiff Liberi’s email LlisaLiberi@aol.com, which does not match any outgoing emails from Plaintiff Liberi’s account. Moreover, as clearly

outlined in **EXHIBITS “1” through “5”** the email header information provided in Geoff Staples attachments clearly show the email was sent and received by Geoff Staples, in fact, Plaintiff Liberi’s email address does **not** appear anywhere in the email headers.

The correct information on an email sent by llisaliberi@aol.com is preset by AOL as follows:

From: llisaliberi@aol.com
To: philjberg@gmail.com
Sent: Sat, Oct 2, 2010 8:05 pm
Subject: Test

See the screen shot of this test email attached hereto as **EXHIBIT “6”** and an email from Geoff Staples to llisaliberi@aol.com regarding payment of Geoff Staples bill, which Plaintiff Liberi forwarded to Philip J. Berg, Esquire on November 4, 2008, to show how the email address of Plaintiff Liberi looked in 2008, attached as **EXHIBIT “7”**.

Defendant Taitz’s Reply to Motion, Exhibit 2, the emails attached to Geoff Staples statement were never sent by Plaintiff Liberi; they were sent from hostricity.com@megawebservers.com using a mail client, Reflexion, with I.P. 205.237.99.176, which is Geoff Staples, to geoffstaples@hostricity.com. Interesting however the fact is the header information in the attachments to Geoff Staples statement matches Geoff Staples email header information on emails he sent directly to Mr. Berg. **No** where in this header information, on Taitz Reply to Motion, Exhibit 2, do these emails reflect being sent or received from llisaliberi@aol.com, which it would if in fact Plaintiff Liberi had sent the email. Further, neither Philip J. Berg, Esquire nor Plaintiff Liberi ever had passwords or log-in details to the help desk of Geoff Staples private server “Cerberus Helpdesk” or his mail Client Reflexion. *See EXHIBITS “1”, “2”, “3” and “5”*.

Now more importantly, under the **altered/forged** email information on page 40 of Taitz Reply to Motion, there is writing that shows the email actually came from an AOL blog, which Plaintiff Liberi has **NEVER** had a blog. Moreover, it states the following:

“Total Control Panel”

“https://asp-1.reflection.net/userHome.jsp?uID=10008535”

“**This should be the last of them.**” [emphasis added]

“**Geoff**” [emphasis added]

Geoff Staples altered/forged an email that he had sent out and that is why the above email on Taitz Reply to Motion, page 40 has only one sentence, “***This should be the last of them***” and is signed “***Geoff***”. Moreover, Donation/Order number 0f6d3d2 is **not** a valid number in the Linkpoint system. *See* below and does **not** match what the header information shows as the reference number for B. Malek’s donation.

The only person handling the donations was Geoff Staples. Geoff Staples had access to the Linkpoint account and had **only** his email address geoffstaples@hostricity.com set-up in Linkpoint and the website to receive donation information as demonstrated by the emails below. In addition, there were several email exchanges between Geoff Staples and Mr. Berg showing that **only** Geoff Staples and Philip J. Berg, Esquire set-up and had access to the Linkpoint account. Moreover, the chain of emails also show problems Mr. Berg had with Geoff Staples illegally charging his (Mr. Berg’s) credit card. Plaintiff Liberi was **not** anyway involved with the setup or managing of Linkpoint; credit cards; donations or access to the LinkPoint account and/or the website. These emails are broken down as follows, which is explained and verified by Mr. Berg’s Affidavit attached as **EXHIBIT “1”**:

September 22, 2008 Email from Philip J. Berg, Esquire to Geoff Staples:

Geoff Staples illegally charged Mr. Berg's credit card Five Hundred Twenty-Eight Dollars and Twenty-Four Cents [\$528.24]. Mr. Berg immediately sent two Emails to Geoff Staples demanding to know why he illegally charged his (Mr. Berg's) credit card. *See* EXHIBIT "8" attached hereto.

October 21, 2008 Email from Philip J. Berg, Esquire to Geoff Staples "Help Desk helpdesk@hostricity.com:

Philip J. Berg, Esquire sent the first email he received from Linkpoint with data regarding his Linkpoint account with instructions to Geoff Staples. *See* EXHIBIT "9".

November 2, 2008 Email from Geoff Staples, geoffstaples@hostricity.com to Philip J. Berg, Esquire:

Geoff Staples sent an email to Philip J. Berg, Esquire on November 2, 2008, which stated:

"Hi, we have received your donation". "If you wish to contact us regarding this donation, please mention the reference-number indicated below...Donation to the Berg v. Obama Fund". "ObamaCrimes.com: <http://www.obamacrimes.com> Email: geoffstaples@hostricity.com"

See this email attached hereto as EXHIBIT "10". As you can see from this email the only name and/or email mentioned is that of Geoff Staples, geoffstaples@hostricity.com.

November 2, 2008 two [2] Emails from David R. to Philip J. Berg and Geoff Staples and Email from Geoff Staples to David R.:

On November 2, 2008, Mr. Berg received a forwarded email from one of his supporters, David R with the subject "RE: Your donation...", and "Contribution by Visa" these emails were also sent to Geoff Staples at geoffstaples@hostricity.com. As documented by the Emails, Mr. Berg's supporter, David R. received an email from Geoff Staples, geoffstaples@hostricity.com dated November 2, 2008 at 2:13 PM with subject "Your donation". Geoff Staples Email to David R. stated, "We have received your donation" ...Donation Donation [sic] to the Berg v. Obama Fund"" 1 x 25 = 25"...Discount \$8.33" "Total \$16.67". Plaintiff Liberi's name or email is **no** where mentioned. It was in fact Geoff Staples handling the donations and/or credit cards as proven by the receipt Geoff

Staples sent to David R. *See* this Email attached hereto as **EXHIBIT “11”** and the Affidavit of Philip J. Berg, Esquire.

Please note, on Exhibit M you will see that geoffstaples@hostricity.com was sending receipts to Mr. Berg’s donors for donations made. This means, Geoff Staples was collecting all the credit card data and donation amounts from all donations made to Philip J. Berg, Esquire through Linkpoint.

November 2, 2008 Email from Mr. Berg to Geoff Staples:

November 2, 2008, Mr. Berg sent an Email to Geoff Staples with the password to Mr. Berg’s LinkPoint account; **no** where does it mention Plaintiff Liberi nor was this Email sent to Plaintiff Liberi. *See* this email attached as **EXHIBIT “12”** and the Affidavit of Philip J. Berg, Esquire.

November 2, 2008 Email from Geoff Staples at “Help Desk helpdesk@hostricity.com to Philip J. Berg, Esquire:

Geoff Staples sent an Email to Philjberg@gmail.com entitled “Fwd: Fwd: Welcome to LinkPoint® API, where Geoff Staples tells Philip J. Berg, Esquire, “*We need to reset the password.*”. *See* Geoff Staples Email attached hereto as **EXHIBIT “13”** and the Affidavit of Philip J. Berg, Esquire.

November 3, 2008 at 12:15 PM Geoff Staples, geoffstaples@hostricity.com sent an Email to Philip J. Berg with a carbon copy to Plaintiff Liberi “Re: Credit card status”:

Geoff Staples sent an Email to Mr. Berg stating,

“Phil: I am going to proceed as follows, unless I hear from you otherwise. Dave Williams is adding Linkpoint Connect to the account. Once it is added, I will things [sic] up. My suggestion is that we give people the choice of using PayPal or Linkpoint. It would work like this:”

“To use Visa, MasterCard, or Discover, click here”

“To use PayPal (if you are a PayPal member), click here”

“To use American Express, click here”

“(I’ll setup buttons, so it won’t really say, click here)”

“That way, most of the credit cards will go through Linkpoint and PayPal will only be used for PayPal members and American Express.”

See Geoff Staples Email attached hereto as **EXHIBIT “14”**.

November 3, 2008 at 1:48 PM Geoff Staples, geoffstaples@hostricity.com sent an Email to Philip J. Berg with a carbon copy to Plaintiff Liberi “Re: Credit card status – FURTHER UPDATE”:

Geoff Staples sent an Email to Mr. Berg stating,

“Dave has placed the order for the Connect service. It will be available today.”

“PayPal is still not available. Do you know when it will be reactivated?”

“We should have the server straightened out today or tonight. I am going to set the credit card stuff up and get it going before I make the switchover. That will ensure that we have no disruption in the contribution system and no website outage.”

“Will keep you informed.”

“Lisa mentioned that you were going to pay my invoice this morning. Tahnk you. I really appreciate it”

See Geoff Staples Email attached hereto as **EXHIBIT “15”**.

November 4, 2008 at 4:12 PM Geoff Staples, [Hostricity Help Desk <helpdesk@hostricity.com>](mailto:helpdesk@hostricity.com) sent an Email to Philip J. Berg and numerous other Email addresses “Re: Donation”:

Geoff Staples sent an Email to Philip J. Berg, Esquire and numerous other Email addresses, an Email in response to David R. referred above. In this Email, Geoff Staples sent David R.’s donation reference number and Email address. In this Email Geoff Staples states:

“Oops. That is my fault. It was supposed to be removed. I’ll fix it now.”

“Interestingly, no one else seems to have noticed my mistake.”

“Thanks again.”

“Webmaster – Obama Crimes.”

See Geoff Staples Email attached hereto as **EXHIBIT “16”**.

November 4, 2008 at 1:16 AM Geoff Staples, geoffstaples@hostricity.com sent an Email to Philip J. Berg and numerous other Email addresses “Re: Linkpoint is up”:

Geoff Staples sent an Email to Philip J. Berg, with a carbon copy to Plaintiff Liberi. In this Email, Geoff Staples states:

“Linkpoint is up. Please make a small donation and let me know if you see any problem.”

“When it goes over to the Linkpoint site, their page doesn’t match the website. This is due to a technical problem with Link point, which they claim will be fixed in the next 24 hours.”

“Phil: Are you able to get into the website to pay the invoice? If not, you can go to this address and pay it. (Just put in “Berg” as the invoice number and I will credit your account. You can use your credit card and do not have to login to PayPal.”

See this email as **EXHIBIT “17”**.

The problem referred to in Mr. Staples statement above was **not** a Linkpoint problem, but instead, Mr. Staples had all the donation information intended to be processed by Linkpoint going to a form submit page on Geoff Staples Hostricity server. With this, Mr. Staples was gathering and storing all Mr. Berg’s supporters’ names, addresses, phone numbers, credit card numbers, etc. Geoff Staples had to manually enter the credit card information as shown in the attached reports to Mr. Berg’s Affidavit of donations made by individuals, but processed through Linkpoint by the same private I.P. address (private IP addresses are **not** what the normal individual uses, but webmasters and web host companies have access to private I.P. addresses), believed to be that of Geoff Staples, as he was the only one with access. [Affidavit of Philip J. Berg, ¶ 23, pp. 5-6].

November 5, 2008 at 5:43 AM Philip J. Berg, Esquire forwarded an Email to Geoff Staples, geoffstaples@hostricity.com regarding Mr. Berg’s website being down”:

Mr. Berg forwarded an Email he had received from a supporter on November 5, 2008 at 4:23 a.m. that his, Mr. Berg’s, website was down. Mr. Berg stated in his Email to Geoff Staples:

“Geoff:” How long is it going to take to have our website up ? Please advise. Thank you”

See Mr. Berg’s Email attached hereto as **EXHIBIT “18”**.

November 8, 2008 at 2:35 PM Philip J. Berg, Esquire forwarded an Email to Geoff Staples, geoffstaples@hostricity.com and helpdesk@hostricity.com regarding Mr. Berg's website being down and Mr. Berg's demand for his passwords:

Mr. Berg had been attempting for months to receive the passwords to his website from Geoff Staples. Geoff Staples continued ignoring Mr. Berg and refused to furnish Mr. Berg's website passwords to Mr. Berg, who was the rightful owner of the website. In addition, Mr. Berg's website had been down since approximately 4:00 a.m. on November 2008. Mr. Berg sent an Email to Geoff Staples stating:

"GEOFF,"

"I want the passwords to our website NOW. You continue promising to supply our passwords, but have not supplied them..." "I want the passwords NOW, no more excuses."

See Mr. Berg's Email attached hereto as **EXHIBIT "19"**.

November 9, 2008 at 1:07 AM Geoff Staples, geoffstaples@hostricity.com sent Philip J. Berg, Esquire an Email regarding "STATUS!!!!":

Geoff Staples was responding to Mr. Berg's Email referred to above. Geoff Staples stated to Mr. Berg:

"Phil."

"First: I reviewed the transactions in Linkpoint. For Nov. 7th and Nov. 8th, you had less than \$100 declined – all in \$20 transactions and 1 \$100.00 transaction marked "fraud". [emphasis added]"

"There was another transaction that was declined, but the person resubmitted it on another credit card, which went through. I think this is likely due to the change I made today which provides a message suggesting they try another card."

"On the website: I have take a commenting system and made some programming changes to it so that it will provide what is needed. I will install it in the morning."

See this Email attached as **EXHIBIT "20"**.

As you can see, despite Geoff Staples false statements and forged attachments, it was clearly Geoff Staples with access to Mr. Berg's Linkpoint account and completely discredits his false statements.

November 9, 2008 at 1:50 AM Philip J. Berg, Esquire sent an Email to Geoff Staples, geoffstaples@hostricity.com and geoffstaples@geoffstaples.com sent Philip J. Berg, Esquire an Email regarding "STATUS!!!!":

Mr. Berg was responding to Geoff Staples earlier Email. Mr. Berg stated:

"Geoff: You take me for a complete fool!...TONIGHT YOU MADE A COMPLETE FOOL OUT OF ME - I TOLD YOU SEVERAL TIMES THAT A FRIEND OF MINE WAS COMING OVER AND I NEEDED THE PASSWORDS TO REVIEW "MY WEB SITE - obamacrimes.com" - DID YOU COMPLY - NO....NOW - SEND ME THE PASSWORDS!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!..."SEND ME MY PASSWORDS !!!!!!!!!!! NOW !!!!!!!!!!"

See Mr. Berg's Email to Geoff Staples attached hereto as **EXHIBIT "21"**.

January 29, 2009 at 8:47 PM Plaintiff Liberi at the request of Philip J. Berg sent an Email to Geoff Staples, geoffstaples@hostricity.com Re: Geoff Staples illegal charging of Philip J. Berg, Esquire's credit card:

On January 29, 2009, Plaintiff Liberi, at the request of Philip J. Berg, Esquire, sent an Email to Geoff Staples, demanding reimbursement of illegal charges and the fact Geoff Staples illegally charged Philip J. Berg, Esquire's credit card for services not rendered and without any type of authorization. This was **not** the first time Geoff Staples had illegally billed and/or charged Mr. Berg's credit card. Geoff Staples was fired by Philip J. Berg, Esquire on December 1, 2008. See Plaintiff Liberi's Email to Geoff Staples attached hereto as **EXHIBIT "22"**.

Once Plaintiffs obtained a copy of Defendant Taitz's "Reply to Motion" filed September 28, 2010, Mr. Berg obtained a copy of the donations received on November 3, 2008 from Linkpoint to see if reference / Order No. 0e33ed2 appeared anywhere in the database. Mr. Berg's had a screen shot taken of all donations received on November 3, 2008, order number 0e33ed2, which is the donation/order number Plaintiff Liberi is accused of handling. The donation/order number and date of the donation and/or decline depicted on the altered/forged

email dated November 3, 2008, in Defendant Taitz filing of September 28, 2010, Exhibit 2, page 29 is invalid. There was **no** attempted donation with that donation/order number on that date. See **EXHIBIT “23”**.

Linkpoint was also searched for a November 5, 2008 Donation, order number 0f6d3d2 which is depicted on pages 40-41, Exhibit “2” of Taitz Reply to Motion wherein Plaintiff Liberi’s Email was **input/forged** on the Email with “Subject: Fwd: Donation 0f6d3d2, Plaintiff Liberi did **not** send this email. Order number 0f6d3d2 is **not** a valid order number and does **not** exist in the Linkpoint system. However, in reviewing page 41 of Taitz Reply to Motion, the Email header information reflects order number 0fd369e, which ironically matches the person’s name, address, credit card number and amount donated, but it was donated through the website terminal and approved on November 4, 2008 at 8:55 AM, **not** November 5, 2008 at 14:45:01 EST as depicted on the **altered/forged** Email appearing on page 40 of Taitz’s filing. See **EXHIBIT “24”**.

As you can see by the multiple Email exchanges between Geoff Staples and Mr. Berg, it was Geoff Staples who had access to credit cards; it was Geoff Staples who was illegally obtaining and storing credit cards and the personal data of Mr. Berg’s donors; it was Geoff Staples who had full control of Mr. Berg’s website, PayPal and Linkpoint accounts. On a few occasions, Geoff Staples and/or Philip J. Berg would carbon copy Plaintiff Liberi on Emails, however, **none** of those Emails contained password or log-in details for either the website, PayPal or Linkpoint accounts. See **EXHIBITS “1”, “2”, “5”, and “8”-“24”**.

More importantly for this Court to note is the fact Exhibit 2 of Orly Taitz’s Reply to Motion, it is apparent Geoff Staples illegally stored and stole donors’ personal and credit card information and now has breached Mr. Berg’s donors’ data. Furthermore, Geoff Staples illegally

turned private data of Mr. Berg's financial affairs over to Defendant Orly Taitz without any type of subpoena; Court Order; or notification to Mr. Berg. In turn, Defendant Taitz has published Mr. Berg's private log-in details to his financial account, Linkpoint and donors private data, including name, home address, phone numbers and credit card numbers by filing it through this Court's ECF system and Pacer; posting it all over the Internet; sending it by mass Emailing. *See EXHIBITS "1", "2", "5", and "8"- "24"*.

B. Defendant Linda Belcher's Affidavit, Taitz Reply to Motion, Exhibit "3":

There are also many problems with the Affidavit of Taitz's supporter and Defendant Linda Belcher showing her statements are hearsay and completely falsified and perjured.

Defendant Belcher's "Affidavit" does **not** contain a proper Notarization, as there is **not** a Seal, there is **no** statement as to when the notary's commission expires, and there is **not** a star of five points with the words "Notary Public, State of Texas". Texas Gov. Ann. 406.013 requires a notary public to use a seal of office to authenticate all his/her acts. A notary public shall provide a seal of office that clearly shows, when embossed, stamped, or printed on a document, the words "notary public, State of Texas" around a star of five points, the notary public's name, and the date the commission expires. The seal may be a circular form not more than 2" in diameter or a rectangular form more than one inch in width and 2 1/2 inches in length. Moreover, if you compare Defendant Belcher's signature, the letters "S" and "R", it appears to be identical to the signature on the Notary Public line. *See EXHIBITS "3" through "5"*.

Defendant Belcher states Plaintiff Liberi told her that Mr. Berg's PayPal account was shut down, then Mr. Berg set up the PayPal account under his "*girlfriend Carol to accept*

donations on Berg's behalf...It wasn't long before this second account was shut down by PayPal, too". This is untrue. See EXHIBIT "5".

Defendant Belcher goes on further stating, *"Late one night, while we were on the telephone, Lisa Liberi told me she was setting up a third PayPal account under her husband Brent Liberi's name to accept donations on behalf of Berg and that she had set it up to issue a receipt from "the law offices of Philip J. Berg"..."She then asked me to make a small donation of a few dollars to see if it was set up properly..."Lisa Liberi retained complete access to and control over this third PayPal account owned by her husband to accept donations for Berg until I was banned March 6th, 2009".* This is a complete lie, Plaintiff Liberi never made these statements to Defendant Belcher. Although it is true Plaintiff Liberi's husband Brent has a PayPal account, that account was **not** setup or opened until February 18, 2009. Moreover, there have **never** been any incoming monies. See EXHIBIT "1", "5" and "25". Mr. Berg maintains full control of his PayPal account, which is set-up on his website. See Affidavit of Philip J. Berg.

Defendant Belcher goes on further stating, *"I also learned from Lisa Liberi that she had set up, had access to and control over Berg's Linkpoint Merchant Account where donors could directly use their credit cards to make donations without signing up for a PayPal account."* This is another completely falsified statement, another lie, as demonstrated above by the Email exchanges between Geoff Staples and Philip J. Berg, Esquire. Geoff Staples and Philip J. Berg were the **only** parties with access to and log-in details for Mr. Berg's Linkpoint account. See EXHIBITS "1", "2", "5" and "8" through "24".

Defendant Belcher then states, *"Liberi mentioned to me several times that she was manually entering charge to donors credit cards due to a glitch in the system over the course of*

many months, or when some cards declined.” Again, Defendant Belcher’s statement is falsified and a lie. See **EXHIBITS “1”, “5”, and “8” through “24”**.

Defendants Taitz and Belcher continue to file falsified statements and altered/forged documents with this Court. This is the **third** [3rd] time that Plaintiffs are aware of Defendants Taitz, Belcher and Sankey of forging documents in the names of Plaintiffs Liberi and Ostella, proof of which is on file with this Honorable Court.

III. IT IS IMPERATIVE FOR THIS COURT TO ISSUE AN ORDER TO SHOW CAUSE UPON DEFENDANT ONLY TAITZ AS TO WHY SHE SHOULD NOT BE SANCTIONED FOR DEFENDANT TAITZ’S FRIVOLOUS FILINGS; THE PERJURED STATEMENTS BY DEFENDANT ONLY TAITZ and THE FILING OF FORGED DOCUMENTS IN PLAINTIFFS NAME:

Plaintiffs incorporate by reference the previous paragraphs as if fully set forth herein. Further, Plaintiffs incorporate their Opposition filed September 15, 2010, appearing as Docket Entry No. 144 as if fully set forth herein. Plaintiffs request this Court to take judicial notice of their Opposition, appearing as Docket Entry No. 144 to Taitz’s frivolous filing.

Defendant Orly Taitz is a licensed attorney, she passed the State Bar of California, she presents to this Court representing Defendant DOFF, even though she is not licensed in Pennsylvania, has knowledge of and is bound by the Rules of our Courts. With this said, there is absolutely **no** question that Defendant Taitz is aware that this Court is without jurisdiction to entertain her frivolous filings appearing as Docket Entry No’s 143 and 145, as the issues are the very issues, which Defendant Taitz has appealed. *Griggs v. Provident Consumer Discount*, 459 U.S. 56, 58, 103 S.Ct. 400, 401, 74 L.Ed.2d 225 (1982) (per curiam); 9 *J. Moore, Moore's Federal Practice* p 203.11. Moore instructs that "*An appeal seeking review deprives the trial Court of jurisdiction over the matters that are the subject of the appeal*" [emphasis

added], *J. Moore*, supra, at p 203.11, 3-54; *Manual for Complex Litigation* Secs. 25.11, 25.16 (2d Ed).

Defendant Taitz has been and is using our Court systems to do nothing more than to waste the Court's and Plaintiffs time; cost Plaintiffs large amounts of money on her frivolous filings; and delay the transfer of this Case. Moreover, **Taitz continues using this Court for her political rhetoric, to continue spreading her lies and rhetoric regarding the Plaintiffs and to arouse her supporters and the people on the Internet inciting violence and harm against the Plaintiffs.**

The documents filed by Defendant Taitz contain, twisted, misrepresented, untruthful, dishonest, "recitations" of what Plaintiffs have filed. A few instances are broken down below. Further, Taitz's filings **again** contain **altered/forged** documentation, forged in the name of Plaintiff Liberi and Plaintiff Liberi's Email address of llisaliberi@aol.com as addressed above. See **EXHIBITS "1" through "5"**.

Defendants Orly Taitz, Neil Sankey and Linda Belcher are **not** new to the world of forgery. In fact, Defendants have forged other documents in the name of Plaintiffs. See Docket Entry No.'s 107-1; 107.2; and 107.3 filed August 27, 2009; 102-6, pages 7-14 filed August 18, 2009; the Affidavits of K. Strebel; and **EXHIBITS "1", "3" and "5"** attached hereto.

Federal Rules of Civil Procedure, Rule 11 [F.R.C.P. 11] states in pertinent part:

"Rule 11. Signing Pleadings, Motions, and Other Papers; Representations to the Court; Sanctions":

"(b) Representations to the Court"

"By presenting to the court a pleading, written motion, or other paper — whether by signing, filing, submitting, or later advocating it — an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:"

“(1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;”

“(2) the claims, defenses, and other legal contentions are warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law;”

(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

Defendant Orly Taitz filing appearing as Docket Entry No. 145, is **frivolous**. Defendant Taitz **filed private financial data of Mr. Berg’s which include his private details to his Linkpoint account and donors personal and credit data** in violation of Fed. R. Civ. P. 5.2 and this Court’s Local Rules 5.1.2(12)(b) and 5.1.3.

Taitz begins this **frivolous** filing rehashing her false assertions and speculations. Taitz states in essence that Plaintiff Liberi wants to keep her Pennsylvania driver’s license sealed because Liberi and Mr. Berg committed fraud upon the Court. This has been answered, **no** one has ever stated or disclosed what State issued Plaintiff Liberi’s Driver’s License, nor will Plaintiff’s disclose it to Taitz. Taitz wants Plaintiff Liberi’s driver’s license to publish it all over the Internet, as she has published every bit of private confidential identifying information of Plaintiff Liberi; to verify Plaintiff Liberi’s residence address in order to carry out her threats against Plaintiff Liberi. Taitz also claims Plaintiffs brought forward “slandorous accusations and allegations”, which is completely inaccurate. Plaintiffs pointed out to this Court the threats made by Defendant Taitz, and filed all of Taitz’s **own publications on her website, which were taken directly from her website. See EXHIBITS “3” and “5”**.

Defendant Taitz next states: *The Plaintiffs have brought the same allegations dozens of times to this court and the Court of Appeals, seeking emergency order to seal Liberi's records and every time Your Honor and Third Circuit Court of Appeals did not find any merit in those allegations and each and every time repeatedly denied each and every motion filed by the Plaintiffs, requesting to seal Liberi's vital records.* [emphasis added] [Taitz Reply to Motion, Page 4]. Defendant Taitz has misrepresented the facts. Plaintiffs were seeking a Temporary Restraining Order or Injunction **to stop Taitz from publicizing Plaintiff Liberi's Social Security Number and private identifying information.** This Court warned Taitz **not** to continue her publication of Liberi's Social Security number; however, as usual Taitz defied the Court. The Court did deny Plaintiffs request, however, it was due to the fact the damage was done and the purpose of a Temporary Restraining Order or Injunction is to prevent the damage. Plaintiffs have **never** asked to have any personal records sealed. Drivers' license information; Social Security Information; Birth information; and other data are **not** public pursuant to State Statutes and Federal Laws. The very laws Taitz continue breaking. Moreover, Plaintiffs appeal was never addressed on the merits. Due to the severe damages caused by Defendant Taitz, Plaintiffs request for a Temporary Restraining Order or Injunction was moot. Based on this, Plaintiffs filed a Motion to Dismiss their Appeal, which was Granted by the Third Circuit.

Taitz goes on further stating, *"The only record that would not be disclosed, is the full social security number. Taitz is not requesting to unseal Liberi's full social security number. She is requesting to unseal Liberi's PA drivers license, allegedly submitted to court on 08.07.09, which was the basis of this court's order to assume jurisdiction in diversity..."* [Taitz Reply to Motion, page 4]. **Taitz is blatantly lying to this Court again.** Defendant Taitz has Plaintiff Liberi's full Social Security number, which she obtained by illegal means. Defendant Taitz has

published Plaintiff Liberi's full Social Security number, along with her date of birth, mother's maiden name, place of birth, address (where she believes Plaintiff Liberi resides), maiden name, father's name and other private data all over the Internet; repeatedly sent by mass Emailing to over a million individuals; sent it internationally; and has filed it in this Court and other Courts. See **EXHIBITS "1" through "5"**.

Although Taitz is an attorney, it is obvious she does **not** understand the laws pertaining to Diversity Jurisdiction. Diversity Jurisdiction is valid as long as **none of the Plaintiffs reside in the same State as any of the Defendants**. This has all been litigated several times and adjudicated. It doesn't matter if Plaintiff Liberi resides on the moon or in orbit, as long as she does **not** reside in Texas or California, which she does **not**. Taitz arguments are **frivolous**.

Taitz next states "*Motif for fraud on the court*" "*Taitz submits into evidence exhibit 2, letter from Jeff Staples. Mr. Staples was hired by Plaintiff and attorney for Plaintiffs Philip Berg to serve as a web master for Berg's website "obamacrimes.com". In his letter and attached 15 pages of computer printout Mr. Staples shows that Liberi repeatedly handled credit card numbers of the donors and manually entered those numbers into merchant accounts connected with the web site [sic].*" [Taitz Reply to Motion, page 6, ¶2] Taitz is truly dishonest and despicable. Geoff Staples statements are hearsay, untrue, his documents are hearsay documents and are unauthenticated and have been altered/forged as explained above. Taitz knew the documentation was **forged** and she sought the false testimony, which she has done previously.

Taitz next states, "*This is an outcry from "witness statements" produced by the plaintiffs, whereby those statements do not contain any personal knowledge, but simply hearsay and repeated rehashing of slanderous allegations by the Plaintiffs.*" [Taitz Reply to Motion, page 7].

Again Taitz is an attorney, and she is well aware that Plaintiffs testimony is fully admissible, as it is all based on personal knowledge. Plaintiff Lisa Ostella is a webmaster by trade, she works with PayPal and other donation accounts and is readily familiar as to the information available from these agencies; Shirley Waddell testified to events she watched with Taitz, that **not** only has affected Plaintiff Liberi's life, but has drastically effected Ms. Waddell's life; K. Strebel testified to all of Taitz's postings on her website, he had personal knowledge because he obtained the documents directly from Taitz's website, there is no question as to the posts, all Taitz's posts have her pictures on them, have her Email address on them, and Taitz has admitted these documents are her posts on her website in her Reply to Motion, Docket Entry No. 145; and Plaintiff Adams works with PayPal and fundraises and testified to how PayPal works. *See EXHIBITS "2" through "4"*.

Taitz states, *"On page 5 of her affidavit she states that "Liberi does not handle credit cards, as the donations are made thorough Pay-Pal secure site". This statement clearly provides false information, as signed letter from Berg's web master Jeoff [sic] Staples clearly states that Liberi handled credit cards of others and manually entered them."* [Taitz Reply to Motion, page 8, ¶2]. Defendant Orly Taitz's Exhibit "2" provided by Geoff Staples contains false statements and altered/forged documents. In addition, **no** where does Geoff Staples address PayPal. Plaintiffs submitted testimony, copies of Taitz's own created documents which she has posted all over the Internet Taitz admitted the posts were hers in her Reply, Dkt. No. 145, Taitz's radio shows, etc.

Taitz next states, *"Her affidavit appears to be very similar to multiple prior affidavits of Liberi and Strebel and appear to be penned by either Berg or Liberi"*. [Taitz Reply to Motion, p. 8 ¶3 and p. 9 ¶1]. Another untruth to this Court, Plaintiff Liberi has **never** provided this Court

with an Affidavit. K. Strebel; Shirley Waddell; Lisa Ostella; Evelyn Adams; and all of Plaintiffs Witnesses prepare their own Affidavits, and as with any law firm, the only thing Mr. Berg or his office does is insert the legal terminology, e.g. *“I am over the age of 18 and not a party to the within action, if called to do so, I could and would competently testify to the matters herein...”* and correctly format the document. Again, a normal practice in all law firms.

Taitz then continues belittling the witnesses for the Plaintiffs. Taitz continues her rhetoric about where Plaintiff Liberi resides. Plaintiff Liberi has **never disclosed where she resides to any of the Defendants**. However, this Court is well aware of where Plaintiff Liberi resides and has confirmed that Liberi **does** not reside in the States of Texas or California.

Taitz goes on further lying to this Court stating she has **never** had anything to do with Ruben Nieto, that no evidence was ever provided to the Court; and that the money requests from Ruben Nieto were sought from Lisa Ostella’s PayPal Account and not hers (Taitz). Taitz truly believes this Court is stupid. This Court will recall, Plaintiffs filed a Reply, appearing as Docket Entry No. 137 on July 30, 2010. The PayPal money requests were attached as Exhibits “1” and “2”. Taitz forgot, she cancelled Mr. Nieto’s money requests. *See EXHIBIT “26”*.

Taitz then attempts to tear down K. Strebel’s testimony regarding the fact Taitz colluded with John Allen. Defendant Taitz herself filed all the statements that she and Sankey sought out John Allen; that John Allen gave her a picture of Liberi, her husband and son, a picture Mr. Allen **never** had, the entire time knowing that Plaintiff Liberi and her family were protected from John Allen. Defendant Taitz also posted these filings all over the Internet. K. Strebel had read all of Taitz’s filings; he obtained the information directly from Defendants Taitz and Sankey. *See EXHIBIT “3”*.

Taitz then further twists and misrepresents what K. Strebel said. Taitz states, “*he attached some 100 pages of copies of Taitz [sic] web site [sic] and claims that the fact that Taitz published pleadings of this case, constitutes an obstruction of justice...*” Another lie by Taitz.

What K. Strebel stated in his Affidavit, appearing as Docket Entry No. 144-1, page 5 ¶ 10, is:

“In addition, as I’m sure this Court may have noticed, the past few filings in this Court by Defendant Orly Taitz that are filled with untruthful and false allegations, Defendant Taitz has sent to Judge David O. Carter, and Chief Judge Audrey B. Collins of the U.S. District Court, Central District of California, Southern Division for absolutely **no** permissible purpose, other than to prejudice the Judges and/or to force the Judges in this District to recuse themselves, as this is the Court Your Honor Ordered transfer of the within matter. This is documented on the Certificate of Service on the filings made by Defendant Taitz. Defendant Taitz’ actions interfere with the proper administration of justice and therefore, constitutes criminal Obstruction of Justice. The definition of Obstruction of Justice is “**the crime or act of willfully interfering with the process of justice and law esp. by influencing, threatening, harming, or impeding a witness, potential witness, juror, or judicial or legal officer or by furnishing false information in or otherwise impeding an investigation or legal process**”⁴ [emphasis added] See Defendant Orly Taitz Certification of Service pages on file with this Court attached as **EXHIBIT “B” and “C”**.”

Plaintiffs request this Court to take Judicial Notice of Taitz’s Certificate of Service in her Reply, appearing as Docket Entry No. 145, the Court will see that Taitz has again sent all this trash to Judge David O. Carter, and Chief Judge Audrey B. Collins of the U.S. District Court, Central District of California, Southern Division, the very Court this case is being transferred to. Taitz is attempting to prejudice the Court against the Plaintiffs, prior to the Case reaching the Court, which is Obstruction of Justice and is a criminal act.

Taitz has claimed that Plaintiff Liberi resides in New Mexico; then it changed to California when the Order came from this Court to transfer the Case; now Taitz is claiming Plaintiff Liberi resides in Pennsylvania. Again, Taitz just lies and continues to lie in attempts to make things suit her. It doesn’t matter where Liberi resides, as long as it is **not** in Texas or

California, which this Court has already addressed, verified and adjudicated. **Not** to mention the fact this Court is without jurisdiction to entertain Taitz's statements, as the issues are under Appeal.

Liberi never stated, "*but that she is a victim of domestic violence and that is a reason, why her PA drivers license needs to be sealed*" as claimed by Taitz. [Taitz Reply to Motion, page 16, ¶2]. Plaintiff Liberi has **never** disclosed to any of the Defendants what state her driver's license is issued out of, where she resides, etc.

Contrary to Taitz's statements on page 16 of her filing, the only thing Taitz has provided to this Court is hearsay, unauthenticated, and forged documents. Proof of which is on file with this Court. Taitz has **not** provided any type of testimony from any viable witness as she claims on page 16, other than the other Defendants in this Case, and now Geoff Staples with more forged documents.

Taitz has stated many more falsehoods, incorrect statements of the Plaintiffs, incorrect and misrepresented recitations of the case and Plaintiffs Pleadings. If Plaintiffs were to address every lie, it would take thousands of pages. *See EXHIBITS "1" through "5"*.

In *Walsh v. Schering-Plough Corp.*, 758 F.2d 889, 895 (3d Cir. 1985) the Court opined:

"Undoubtedly, it was just such considerations that gave rise to the recent amendment to Fed.R.Civ.P. 11. That Rule, promulgated to keep attorneys "honest" in their pleading practice, now authorizes sanctions to be imposed when an attorney violates his certificate that good grounds support his pleading and that the pleading is not interposed for delay. Moreover, our own Fed.R.App.P. 46(c) provides for action being taken by us in the event that an attorney who practices before us exhibits conduct unbecoming a member of the bar or fails to comply with any rule of the court."

"It is evident to me that unfortunately there are some counsel who abuse the judicial process and by doing so make our task and the tasks of our colleagues far more difficult. Historically, attorneys have been reluctant to "blow the whistle" on their

⁴ http://dictionary_reference.com/browse/obstruction+of+justice

colleagues or to seek sanctions against their opponents. Perhaps as Professor Miller notes in a recent article written in a discovery context,⁵ they are mindful of a variation on the golden rule "Do not seek sanctions against what is done to you today, for it may be what you will try on your opponent tomorrow."

The Court in *Walsh v. Schering-Plough Corp.*, 758 F.2d at 896-897 went on further stating:

"If we take no steps to resolve the issue which these affidavits have now presented to us, we run the risk not only of losing the respect of the bar, but of damaging the professional standards that lawyers look to us to uphold. Every member of the bar has had his character and fitness tested and reviewed before obtaining a license to practice. We, together, with other courts, are charged with maintaining at least that level of honesty and professionalism in the conduct of those who, once having obtained the right to practice, continue to exercise that right before us."

"...So too, as each instance of charged professional misconduct is ignored by us or deemed unworthy of our attention, our professional tapestry will imperceptibly, but surely, lose its form, its structure and its shape."

"Thus, in my opinion it is no answer to characterize the issue before us as one not worth our consideration. If we do not require strict adherence to principles which mandate candor and truthfulness, and if we refuse to decide and enforce claimed violations of those fundamental precepts, we will have only ourselves to blame if intolerable and proscribed practices of the bar become the rule rather than the exception."

The undersigned has spent hours on reviewing all the frivolous and forged material supplied by Taitz. Plaintiffs are clearly entitled to Attorney Fees based on Taitz's continued frivolous filings.

Therefore, Plaintiffs respectfully request this Court to issue an Order to Show Cause upon Defendant Orly Taitz and Defend our Freedoms Foundations as to Why She Should Not be Sanctioned and Ordered to Pay Plaintiffs Attorney Fees in the amount of Twenty-Five Thousand [\$25,000.00] Dollars to Attorney Philip J. Berg; and Grant Plaintiffs Motion to Strike Taitz's filing of September 28, 2010 appearing as Docket Entry No. 145.

⁵ Miller, the Adversary System: Dinosaur or Phoenix, 69 Minn.L.Rev. 25 (1984).

IV. **THIS HONORABLE COURT HAS THE INHERENT POWER TO STRIKE TAITZ and DOFF'S "REPLY TO MOTION APPEARING AS DOCKET ENTRY NO. 145":**

Plaintiffs incorporate by reference the preceding paragraphs as if fully set forth herein.

Federal Rules of Civil Procedure, Rule 12(f) states: "The court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. The court may act: (1) on its own; or (2) on motion made by a party either before responding to the pleading or, if a response is not allowed, within 20 days after being served with the pleading."

This Court has the inherent power to "strike from any pleading any insufficient or any redundant, immaterial, impertinent or scandalous matter." See *Geruschat v. Ernst Young LLP (In re Seven Fields Dev. Corp.)*, 505 F.3d 237, 248 (3d Cir. Pa. 2007); *Farid v. Murphy*, 945 F.2d 394 (3d Cir. 1991) (The Court sua sponte strikes as scandalous and impertinent the second paragraph under the heading "plaintiff" at page 10 of the brief for Appellees. The Court deems the inclusion of that paragraph in the brief to be unprofessional, and deems footnote 7, by which counsel apparently sought to justify the inclusion of the material, to be disingenuous.).

Defendant Taitz's filing is completely **frivolous**, and was only filed by Defendant Taitz to arouse her supporters; to continue her false rhetoric about the Plaintiffs; and to publicize false accusations against the Plaintiffs. Defendant Taitz's filing was filed for an improper purpose, to waste judicial resources; cost Plaintiffs large amounts of money; contains insufficient defenses; and is redundant, immaterial, impertinent, and scandalous. Defendant Taitz, an Attorney, knows this Court lacks jurisdiction to hear the matters complained of as the issues are currently under Appeal.

For the above aforementioned reasons, Defendant Taitz and DOFF's "Reply to Motion" appearing as Docket Entry No. 145 must be stricken from the record.

V. CONCLUSION:

For the above aforementioned reasons clearly outlined, Plaintiffs Motion requesting this Court to issue an Order to Show Cause upon Defendant Orly Taitz and Defend our Freedoms Foundation as to Why Orly Taitz Should Not be Sanctioned; Ordered to pay Plaintiffs Attorney Fees in the amount of Twenty-Five Thousand [\$25,000.00] Dollars; and Plaintiffs Motion to Strike Defendant's, Orly Taitz and Defend our Freedoms Foundation, Inc. "Reply to Motion" appearing as Docket Entry No. 145 must be Granted.

Respectfully submitted,

Dated: October 7, 2010

s/ Philip J. Berg

PHILIP J. BERG, ESQUIRE
Attorney for Plaintiffs'

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Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT,
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LISA LIBERI, et al,

Plaintiffs,

vs.

ORLY TAITZ, et al,

Defendants.

Case No.: 09-cv-01898-ECR

CERTIFICATE OF SERVICE

I, Philip J. Berg, Esquire, hereby certify that a copy of Plaintiffs' Motion for an Order to Show Cause to be issued upon Defendant Orly Taitz as to Why She Should not be Sanctioned; Ordered to Pay Plaintiff's Attorney Fees; and Plaintiffs Motion to Strike Defendant's, Orly Taitz, et al and Defend our Freedoms Foundation, Inc., "Reply to Motion" was served this 7th day of October, 2010 electronically upon the following:

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s/ Philip J. Berg

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